

APPROVED: Meeting No. 24-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 20-90

May 14, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on May 14, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan (arrived at 9:10 p.m.)

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

ABSENT

Councilmember David Robbins (travel leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Councilmember Marrinan was designated Mayor Pro Tem until Mayor Duncan's arrival.

Re: City Manager's Report

1. On Tuesday, May 15, worksessions will be held with the Traffic and Transportation Commission and the Science and Technology Commission, to be followed by worksessions on the FY1991 budget.

2. On Thursday, May 17, the City will be hosting the Chamber's Mix 'n Mingle at the Redgate Golf Course from 5:00 to 7:00 p.m.

3. The Town Center Roundtable will be meeting on Friday morning, May 18, at 7:30 a.m.

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4. On Friday, May 18, at 7:30 p.m., there will be a dedication of the new Outdoor Fitness Pool at the Rockville Municipal Swim Center.

5. The City of Rockville was named as one of the 30 finalists in the "All America City" Award competition for 1990. Staff is actively planning for the presentation before the National Civic League to take place the first week of June, focusing on the three elements of the original application. The presentations are limited to 10 minutes.

6. Just prior to tonight's meeting, the Councilmembers participated in a kick-off of the in-house recycling program and their enthusiasm for the program is appreciated.

7. This week the City will begin a major effort of planting involving 11,000 annual flowers. The work should be completed just prior to Memorial Day weekend.

8. The City was very proud to recently receive the Governor's Commission on Drug and Alcohol Abuse "Ounce of Prevention" Award.

9. It is recommended that the Mayor and Council introduce under New Business the ordinances to amend the rates for water and sewer usage charges, which ordinances would be adopted along with the budget ordinance on June 11, 1990.

Councilmember Coyle congratulated staff on the City's being named a finalist in the "All America City" award competition.

Re: Recognition of Amy Elisabeth
Reiter

Amy Reiter, a student at Christ Episcopal School, was recognized by the Mayor Pro Tem and Council for placing first in the National DAR American History Month Essay Contest for eighth grade students and was presented with a Certificate of Recognition for this achievement.

Re: Proclamation declaring May 28,
1990, Memorial Day, as
"Rockville Poppy Day"

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Proclamation No. 12-90

By a unanimous vote of the Mayor and Council, May 28, 1990, Memorial Day, was declared "Rockville Poppy Day." Mayor Pro Tem Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. The 1990 Poppy Girl, Jennifer Stewart, distributed poppies and Marilyn Rykoskey of Henderson Smith Edmonds Unit #86, American Legion Auxiliary, received the Proclamation.

Re: Proclamation declaring the month of May as "Better Hearing and Speech Month" in Rockville.

Proclamation No. 13-90

By a unanimous vote of the Mayor and Council, May was declared "Better Hearing and Speech Month" in Rockville. Councilmember Hovsepien read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Sandra Lebowitz, Supervisor of Division of Speech and Language Programs, Montgomery County Public Schools, accepted the Proclamation.

Re: Proclamation declaring the week of May 19-25, 1990, as "Drug and Alcohol Abuse Prevention Week" in Rockville.

Proclamation No. 14-90

By a unanimous vote of the Mayor and Council, May 19-25, 1990 was declared "Drug and Alcohol Abuse Prevention Week" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Cindy Hall and other members of the East Rockville Community Action Team accepted the Proclamation.

Re: Proclamation recognizing the 75th Anniversary of the United States Naval Reserve.

Proclamation No. 15-90

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By a unanimous vote of the Mayor and Council, the United States Naval Reserve was recognized on its 75th Anniversary and its active and former members were commended for their service. Mayor Pro Tem Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council, which was presented to Captain R. Ronald Bowers, USNR.

Re: Proclamation recognizing the
40th Anniversary of the Kiwanis
Club of Rockville

Proclamation No. 16-90

By a unanimous vote of the Mayor and Council, the 40th Anniversary of the Kiwanis Club of Rockville was recognized and its members commended for their many services to the community. Councilmember Hovsepien read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council, which was presented to Mike Honig, President of the Kiwanis Club of Rockville.

Re: Proclamation declaring the week
of May 13-19, 1990, as Historic
Preservation Week

Proclamation No. 17-90

By a unanimous vote of the Mayor and Council, the week of May 13-19, 1990, was declared "Historic Preservation Week" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Helen Hillstrom, President of Peerless Rockville Historic Preservation, Ltd., accepted the Proclamation noting that "Keeping America's Heritage Alive" is the theme for Historic Preservation Week 1990. A poster was presented to the Mayor Pro Tem and Council for display during Historic Preservation Week.

Re: Citizens' Forum

At this time, the Mayor Pro Tem opened the meeting to hear from any citizen who wished to address the Mayor and Council.

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1. George Northway, 903 Leverton Road, addressed the City's plan submitted to the Department of Environment for wetlands mitigation, specifically regarding four acres in Dogwood Park. Mr. Northway referenced the informational meeting scheduled for May 22, noting that citizens should be informed through other means as well, such as news articles in the Rockville Reports and a public hearing in addition to the informational meeting. A final decision should be made by the Mayor and Council with full knowledge of the plan and all of its details.

As to providing citizens with details before the May 22 meeting, the City Manager noted that handouts would be available at the meeting and information would be provided in the next edition of Rockville Reports. Mr. Romer also indicated that while a public hearing has not been scheduled in connection with this matter, the City would hold as many informational meetings as would be necessary to properly inform the residents.

2. Warren Miller, General Manager of Fritzbe's, commented on the success of Fritzbe's eighth annual 10K Runfest held in April and presented John Freeland, President of the Rockville Rotary, with a \$1,000 contribution for their Youth Scholarship Fund. Mr. Miller also acknowledged the assistance and support of Burt Hall, Supervisor of Recreation, and Sgt. Eric Waldt, Special Events Coordinator.

3. David Thomas, 818 Brice Road, requested consideration of the Mayor and Council with respect to wetlands/hydrological issues emanating from the Ritchie Parkway project/Tower Oaks development.

4. Elaine Amir, 2289 Glenmore Terrace, on behalf of Montgomery College, appealed to the City of Rockville for support of the Institute for Technical Education.

5. Raymond Mountain, 5 Monument Court, referenced the storm water pond adjacent to Christ Episcopal School and Church, and asked if steps are being taken to make the necessary repairs.

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The City Manager responded that when this issue was raised at Citizens' Forum two weeks ago, an immediate effort was launched to rectify the situation and a copy of the plan will be furnished to the Citizens' Association and Mr. Mountain. The Assistant City Manager, who is heading up the effort, was asked to speak to Mr. Mountain.

6. Marjorie Hughes, 700 Carter Road, expressed concern with the wetlands mitigation project and its impact on the Hungerford-Stoneridge community.

7. Joe Zetts, 121 Ritchie Parkway, referenced a presentation by the City's Traffic Engineer to his homeowners' association commenting that the visual aids were poor. Mr. Zetts requested that better visual aids be available during the public hearing on Street Closing and Abandonment Application S-61-90.

8. Steve Fisher, 1014 Neal Drive, reemphasized the valuable contribution of the Institute for Technical Education to the Rockville community and encouraged favorable consideration by the Mayor and Council of an in-kind contribution.

9. Melvin Hall, 210 Elizabeth Avenue, advised the Mayor and Council of a kick-off of Drug and Alcohol Abuse Prevention Week to be held at the Lincoln Park Community Center on Friday, May 18, at midnight, following the regular Friday night vigil.

Councilmember Coyle noted that with the City's purchase of 313 Frederick Avenue for a new police substation, there will be another cause for celebration.

There being no other citizen wishing to be heard, the Mayor Pro Tem closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, John Moser and John Tyner were reappointed to two-year terms on the Cultural Arts Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Bernard Shannon, Donald Bokelman and Ira Walters were reappointed to one-year terms on

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the Board of Rockville Seniors, Inc.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 16-90 (April 19, 1990) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 17-90 (April 23, 1990) were approved, as amended.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 18-90 (April 30, 1990) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 19-90 (May 1, 1990) were approved, as written.

Re: Consent Agenda

Mayor Pro Tem Marrinan asked that Item B be removed from the Consent Agenda. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Approval of waiver for one-site Storm Water Management for the property at Veirs Mill Road in the Cabin John drainage area and acceptance of a \$4,800 contribution for the off-site SWM fund.

The developer, James Impara, plans the construction of one single-family house.

- C. Approval of "Offer of Agreement" contracts with Margarita Metaxatos, Gordon S. and Mary R. Rosenberg, Arthur M. Hildreth, Helen T. Welsh and RAP Leasing Corporation.

Staff has negotiated agreements with these property owners for the acquisition of right-of-way needed for the improvement of West Montgomery Avenue as follows:

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Margarita Metaxatos, 701 W. Montgomery Avenue, 70 sq. ft., \$600

Gordon S. and Mary R. Rosenberg, 310 W. Montgomery Avenue, 69 sq. ft., \$570

Arthur M. Hildreth, 307 W. Montgomery Avenue, 474 sq. ft., \$3,900

Helen T. Welsh, 301 W. Montgomery Avenue, 864 sq. ft., \$7,130

RAP Leasing Corporation, 300-304 W. Montgomery Avenue, 688 sq. ft., \$5,700

- D. Introduction of Ordinance to appropriate funds and levy taxes for Fiscal Year 1991. The ordinance establishes the budget levels for the operating and capital budgets for FY1991. The property tax rate is \$.83 per \$100 of assessed valuation.

Re: Approval of "Offer of Agreement" for purchase of the property located at 313 Frederick Avenue in Lincoln Park. The City is purchasing the property at a price of \$98,500, from the investors who purchased it at a foreclosure in the fall of 1989.

Mayor Pro Tem Marrinan asked that this item (B) be removed from the Consent Agenda to inquire as to whether any responses were received from adjacent property owners regarding this proposal. The City Manager stated that staff had been working with the community and that no negative feedback had been received. The City Manager also clarified that the purchase price is \$98,500. Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Offer of Agreement for purchase of the property at 313 Frederick Avenue was approved. The subject property will be used as a police

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substation to provide an enhanced law enforcement presence in the community.

Re: Introduction and adoption of Ordinance for establishing a hearing date for construction of Ritchie Parkway roadway between Seven Locks Road and Rockville Pike by special assessment.

The Ordinance to establish a hearing date of June 4, 1990, in connection with special assessments for the design, right-of-way acquisition and construction of Ritchie Parkway including pavement, median, traffic signals, sidewalks, storm drains and related work was duly introduced.

Re: Introduction and adoption of Ordinance for establishing a hearing date for construction of Ritchie Parkway water transmission main and appurtenances between Seven Locks Road and Rockville Pike by special assessment.

The Ordinance to establish a hearing date of June 4, 1990, regarding special assessments for the design and construction of water transmission main, fire hydrants, valves and related work in connection with the construction of Ritchie Parkway between Seven Locks Road and Rockville Pike was duly introduced.

Re: Adoption of Ordinance to adopt Zoning Map - Annexation Petition X-107-89, Joseph A. Lynott, attorney for Jimmy and Jeanette Johnson, Petitioners.

Ordinance No. 8-90

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 8-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to amend the Zoning Map of the City of Rockville to incorporate as a part thereof the map entitled "Proposed Zoning Map - Annexation 107-89" which map places the 68,703 square foot parcel located at the southeast corner of

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Wescott Place and Scott Drive in the R-S Zone.

Re: Adoption of Ordinance to adopt
Text Amendment Application T-
104-90, Rockville Planning
Commission, Applicant.

Ordinance No. 9-90

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 9-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted granting Text Amendment Application T-104-90, Rockville Planning Commission, Applicant, to amend various sections of the Zoning Ordinance dealing with definitions, uses, development standards and parking requirements.

Re: Adoption of Ordinance to
approve Map Amendment
Application M-56-89, Mayor and
Council of Rockville,
Applicant.

Ordinance No. 10-90

Upon motion of Councilmember Coyle, duly seconded, with a vote of two in favor and one abstention, Ordinance No. 10-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted granting Map Amendment Application M-56-89. This Map Amendment places the Lincoln High School buildings and site on N. Stonestreet Avenue, Lincoln Avenue and Howard Avenue, in an Historic District under the jurisdiction of the Historic District Commission. Councilmember Hovsepian abstained from the vote noting that while she is in favor of placing the Lincoln High school building in the Historic District, she is not in favor of designating the entire site as an Historic District.

Re: Adoption of Resolution to adopt
an Affirmative Action Plan for
the City of Rockville.

Resolution No. 11-90

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The City Manager informed the Mayor and Council that the recommended Affirmative Action Plan fulfills one of the longstanding goals of the City. Development of the Plan could not move forward until a database was created to define the labor market, and the cooperative effort of staff and the community was recognized. Comments have been received from the State of Maryland Commission on Human Relations, the City of Rockville Human Rights Commission and the Association of Concerned Citizens of the Rockville Area, and changes have been made in the Plan as a result of recommendations from these organizations. Just today, Mr. Romer stated that comments were received from the Hispanics United for Rockville which included constructive suggestions. Councilmember Coyle noted that four of the suggestions offered by Hispanics United for Rockville have already been incorporated in the Plan. Mr. Romer stated that the recommended Plan is ready for adoption and will guide the City's recruitment, hiring, and promotion activities in the future.

Councilmember Coyle emphasized that the adoption of an Affirmative Action Plan is a voluntary action on the part of the City and that there has been no past discrimination in the City. The Mayor and Council commended staff for their efforts. Mayor Duncan noted Councilmember Robbins' support of the plan and read his statement, "The plan should further enhance the City's commitment to make its workforce reflective of the community." Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 11-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to adopt an Affirmative Action Plan for the City of Rockville.

Re: Approval of a proposal to provide a City Police Officer as a DARE. (Drug Abuse Resistance Education) instructor for local elementary schools.

The City Manager noted that a staff report on the DARE program was provided in the brief book. The Montgomery County Police Department has requested that the

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Rockville City Police Department provide an officer to the County DARE Program; there are currently eight elementary schools in the City at which DARE could be taught, and two of the City's schools, Twinbrook and Maryvale, are currently in the County's pilot project. The program is designed to provide instruction during the normal school day to fifth grade students focusing on recognizing and resisting the pressure that influences the students to experiment with drugs. The benefits of the program were described as:

- decrease in disciplinary problems;
- positive changes in student attitudes and behavior;
- increased negative attitudes towards drugs;
- improved work habits and cooperation leading to improved grade point average; and
- better attendance.

Mayor Duncan referenced a recent meeting where tax duplication was discussed and asked why the County should not provide the service in the City. The Chief of Police responded that there are only six officers assigned to this program and the County Police Department does not have enough manpower to implement the program in all of the schools.

Discussion followed regarding funds for accreditation, monies provided by the State through the Municipal Law Enforcement Assistance Bill and whether it may be possible to implement both the DARE Program and the accreditation process in FY91. It was agreed that the Mayor and Council would defer a decision regarding this matter pending further discussion in budget worksession.

Re: Adoption of Ordinance to amend Chapter 11, "Human Rights" of the Rockville City Code so as to prohibit discrimination based on the presence of children and sexual orientation; and to provide for certain exceptions for housing for older persons with amendment.

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Ordinance No. 11-90

This amendment will bring the Ordinance into substantial comparability with Montgomery County and federal laws. Mayor Duncan noted Councilmember Robbins' strong support of the amendments to the Human Rights Ordinance. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Ordinance was amended to add the words "or sexual orientation" to Section 11-16(b)(2) regarding soliciting or advertising. . . for a roommate. . . . Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 11-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted, as amended, to amend Chapter 11 of the Rockville City Code so as to prohibit discrimination based on the presence of children and sexual orientation, and to provide for certain exceptions for housing for older persons.

Re: Adoption of Ordinance for establishing a hearing date for construction of Ritchie Parkway roadway between Seven Locks Road and Rockville Pike by special assessment.

Ordinance No. 12-90

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the layover requirements were waived. Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Ordinance No. 12-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to establish a hearing date of June 4, 1990, regarding special assessments for the design, right-of-way acquisition and construction of Ritchie Parkway including pavement, median, traffic signals, sidewalks, storm drains and related work.

Re: Adoption of Ordinance for establishing a hearing date for construction of Ritchie Parkway water transmission main

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and appurtenances between Seven
Locks Road and Rockville Pike
by special assessment.

Ordinance No. 13-90

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Re: FYI/Correspondence

Councilmember Coyle offered congratulations to Chief Treschuk regarding his interview for the Voice of America program which is being broadcasted internationally this week.

With respect to the Southlawn Lane transfer station and the additional truck traffic it will generate, Councilmember Coyle commented that the City should take another look at the impact on Gude Drive. The City Manager responded that the City will continue to monitor the situation.

At the request of Mayor Duncan, the City Manager listed the scheduled events for Hometown Holidays weekend.

Re: New Business

The Ordinance to amend Section 24-47 of the Rockville City Code to increase the sewer usage charge from \$2.25 to \$2.40 for each thousand gallons of water used, effective July 1, 1990, was duly introduced by the Mayor and Council.

The Ordinance to amend Section 24-46 of the Rockville City Code to increase the water consumption charge from \$1.05 to \$1.13 per thousand gallons of water supplied,

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effective July 1, 1990, was duly introduced by the Mayor and Council.

Councilmember Coyle noted the Mary's House Celebration, 46th Point of Light Award, which will take place on Thursday, May 17, from 4:00-6:00 p.m.

Councilmember Coyle stated that he would be attending the Washington Council of Governments meeting this week to discuss a wide range of drug issues. Staff will be providing him with information regarding Rockville's efforts, and he will report back to the Mayor and Council.

Councilmember Coyle also reported that on Thursday, May 17, there will be a ribbon-cutting ceremony in Prince George's County of a fire-safe house which will demonstrate all fire safety features. The National Home Builders Association was commended for their role in this event.

Councilmember Hovsepian reported that Governor Schaefer declared the week of May 6-12 as "Municipal Clerks Week" in Maryland.

In response to Councilmember Marrinan's question as to how successful the Census efforts were in Rockville, the City Manager noted that the City has been intimately involved in a number of follow-up activities and that more information will be provided to the Mayor and Council.

Councilmember Marrinan referenced the discussions of the Retirement and Disability Board regarding post-retirement health care benefits. The City Manager responded that the Board would be meeting on May 16, and this is an agenda item.

Having attended the Rockville Scholarship Foundation Banquet the previous week, Councilmember Marrinan commended Leah Barnett for her efforts.

Councilmember Marrinan reported that during his recent drop-in, another citizen had raised the issue of parking of commercial and oversized vehicles. He requested that staff provide information through Rockville Reports in order to clarify the City's policy.

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Mayor Duncan inquired as to the status of Rockville Housing Authority's request for several City banners to display at their project. The City Manager will be providing information.

Re: Executive session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in executive session at 9:55 p.m. to consult with counsel and to discuss land disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:55 p.m., to convene again in Worksession at 7:00 p.m. on May 15, 1990, or at the call of the Mayor.